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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,162	07/30/2003	Irena Hudis	13768.429	7646
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WORKMAN NYDEGGER/MICROSOFT 1000 EAGLE GATE TOWER 60 EAST SOUTH TEMPLE SALT LAKE CITY, UT 84111			POPHAM, JEFFREY D	
		ART UNIT	PAPER NUMBER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/630,162	HUDIS ET AL.	
	Examiner JEFFREY D. POPHAM	Art Unit 2491	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02 November 2010.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 24,25,27,28,34,36-38 and 41-47 is/are pending in the application.
 - 4a) Of the above claim(s) 46 and 47 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 24,25,27,28,34,36-38 and 41-45 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 30 July 2003 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

Remarks

Claims 24, 25, 27, 28, 34, 36-38, and 41-47 are pending.

Claims 46-47 are withdrawn from consideration as outlined in the election by original presentation below.

Claims 24, 25, 27, 28, 34, 36-38, and 40-45 are rejected.

Response to Arguments

1. Applicant's arguments filed 11/2/2010 have been fully considered but they are not persuasive.

Applicant provides arguments regarding the 101 rejection of claims 34, 38, 40-43, and 45, stating that Applicant believes them to be statutory as the instant application differentiates between storage and communication media. However, as described in the 101 rejection, a storage medium may be a signal, as the definition of a storage medium includes a signal, and Applicant has not provided any alternative definition in the application. It is noted that Applicant states "Applicant expressly disclaims any coverage in claims 34, 38, 40-43, and 45 to the extent "computer-readable media" could be interpreted to require only a single without any additional physical, article of manufacture." However, disclaiming a single medium does not appear to be what Applicant intends. If Applicant intends to disavow the medium being a signal, Applicant must properly state that all claims directed to a medium will not be enforced with respect to signals.

Applicant argues that “the cited art fails to disclose or reasonably support that identification and/or granting of administrative rights in a new non-overlapping zone after the previously existing zone is split, as such is recited in combination with the other claim elements.” Applicant goes on to argue, with respect to Glasser, that “splitting a zone occurs in *Glasser* by initially selecting a change to a resource permission, and then applying the change to create the new zone. In direct contrast, the pending claims generate permissions after the zone is created, rather than identifying and generating changed permissions as a first instance.” However, Glasser also teaches adding a user to an ACL for a particular resource when the resource already has an ACL, as opposed to when the resource inherits an ACL. Therefore, as Applicant notes, a new zone is created when an inherited ACL is changed, thereby forming a new ACL that is propagated to the new zone, while the remaining items not effected by this previously-inherited ACL change remain in the remaining previous zone. This is the situation in which “a new ACL will be created for the folder” (Column 8, lines 59-60). However, once this folder already has an ACL, “the changes made to the display list are merged with the previous contents of the ACL to form the updated ACL” (Column 8, lines 61-63). As one can see, the items within this zone (e.g. controlled by this possibly propagated ACL) remain the same, however, a new user is added to the ACL and, thereby, given rights to the items within that zone. Therefore, one can see that Glasser teaches adding rights for additional principals to this precise previously-split zone (as it already has its own ACL) after the zone is created (at any time a user is added to this ACL).

Election/Restrictions

2. Newly submitted claims 46-47 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Claim 46 states that the new security zone is created "without any security rules associated therewith", which is the exact opposite of the previously presented claims. As an example, claim 24 explicitly states that "for any principals that had existing rights in the existing non-overlapping security zone ... an act of retaining those existing rights in the new non-overlapping security zone". It is further noted that the application as originally filed specifies that these are different embodiments (e.g. paragraph 41 stating that "In other embodiments of the invention, the first zone does not include any security rules after it is created and all new security rules must be created for the first zone"). Therefore, the inventions are independent or distinct as they are different embodiments and provide mutually exclusive subject matter therein.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 46-47 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 34, 38, 40-43, and 45 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 34 is directed to a computer program product comprising "one or more computer-readable storage media". Such media are described in the application in an open-ended manner using examples. As the definition of a computer readable storage medium includes a signal, use of such computer readable storage media in the claims includes this interpretation of the media being signals. Therefore, as the computer readable storage media of claim 34 are not inherently physical components (e.g. CD, DVD), the claim is non-statutory. In order to overcome this 101 rejection, simply adding "non-transitory" before "computer-readable storage media" should be sufficient to make the claim statutory. Claims 38, 40-43, and 45 are dependent from claim 34 and do not fix the issue with the computer readable storage media. Therefore, claims 38, 40-43, and 45 are rejected for the same reasons.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 24, 25, 27, 28, 34, 36-38, and 40-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glasser (U.S. Patent 6,061,684) in view of Nowicki (U.S. Patent 7,146,377).

Regarding Claim 24,

Glasser discloses in a computer system, the computer system including system memory, a processor, and a computer-readable medium, a data store and a method store being stored on the computer-readable medium, the data store and method store arranged together in a combined item hierarchy on the computer-readable medium, the data store having at least one data item that depends from a method in the method store and the method store having at least one method that depends from data in the data store, the combined item hierarchy being divided into one or more non-overlapping security zones, each of the one or more non-overlapping security zones being defined as a grouping of one or more data items and one or more method items having common security rules such that principals with rights to items in a non-overlapping security zone can treat all items in the non-overlapping security zone uniformly in accordance with common security rules, a method of authenticating principal identity and then splitting the one or more non-overlapping security zones into a plurality of non-overlapping security zones to facilitate more efficient assignment of rights to principals, comprising:

An act of accessing a first ACL, the first ACL defining rights based on common security rules that principals are to have in an existing non-overlapping zone from among the one or more non-overlapping zones (Column 7, line 41 to Column 8, line 39; and Column 9, line 58 to Column 10, line 29; authentication and permission checks for administrators, such permissions for modifying other permissions; authentication and permission checks for a normal user; and/or accessing ACLs for setting permissions by an administrator, as examples);

An act of accessing authentication information that specifies the identity of the principals that are to have the rights in the existing non-overlapping zone (Column 7, line 41 to Column 8, line 39; and Column 9, line 58 to Column 10, line 29; as just described);

An act of authenticating the principals by verifying the identity of the principals by using the authentication information and by verifying that the principals are to have the rights defined in the first ACL (Column 7, line 41 to Column 8, line 39; and Column 9, line 58 to Column 10, line 29; as just described);

An act of identifying a grouping of data items and method items in the combined item hierarchy (Figure 4; and Column 4, lines 20-35; showing that the hierarchical file system includes files, wherein the files are data files, program files, or other computer information files. Hereafter, any time data and method items are

referenced with respect to Glasser, this citation is pertinent, but will not be identified in each instance, in order to provide clear reference to pertinent citations) for which new common security rules are to be enforced, the identified grouping of data items and method items currently included in the existing non-overlapping zone, existing common security rules being enforced within the existing non-overlapping zone, the new common security rules differing from the existing common security rules being enforced within the existing non-overlapping zone (Column 7, lines 41-64; Column 8, lines 27-39; and Column 8, line 55 to Column 9, line 25; a resource is selected, wherein the resource will be given different rules than the resource's parent (where the parent has an ACL that is inherited by the selected resource) and, likewise, the rest of the resources that inherit the ACL of the parent. The change to rights will include providing the selected resource with a new ACL, which will be propagated and inherited by resources descending from the selected resource);

An act of the processor re-configuring the one or more non-overlapping security zones so that rights can be assigned at a granularity that is finer than an entire database yet coarse enough so as to not require assignment for each item, including:

An act of splitting the existing non-overlapping security zone into a new non-overlapping security zone and

a remnant of the existing non-overlapping security zone, the arrangement of the new non-overlapping security zone relative to the remnant of the existing non-overlapping security zone based on the location of the identified grouping of data items and method items within the combined item hierarchy, the new non-overlapping security zone for containing the identified grouping of data items and method items, the remnant of the existing non-overlapping security zone containing at least one data item or method item from the existing non-overlapping security zone, wherein the splitting is restricted in such a way as to prevent overlapping between security zones and such that none of the data items and method items are included in more than one security zone (Figure 4; Column 7, lines 41-64; Column 8, lines 27-39; and Column 8, line 55 to Column 9, line 25);

For any principals that had existing rights in the existing non-overlapping security zone based on the existing common security rules being enforced in the existing non-overlapping security zone at the time the existing non-overlapping security zone was split, an act of retaining those existing rights in the new non-overlapping security zone, including in the identified grouping of data items and method items, subsequent to splitting the existing non-overlapping security zone and subsequent to labeling to represent that the

identified grouping of data items and method items are contained in the new non-overlapping security zone (Figures 4-5; Column 7, lines 41-64; Column 8, lines 27-39; and Column 8, line 55 to Column 9, line 25; in the case of adding a user to the ACL, the previous entities listed in the ACL (the ACL inherited from the ascendant in this case) will still have access, as that previously inherited ACL is copied and then changes are made, such as adding users. The new user is additionally provided with access to the resource and any resources that inherit the ACL of this resource); and

An act of identifying and granting one or more other rights in the new non-overlapping security zone to one or more additional principals in accordance with the new common security rules, wherein identifying and granting the one or more rights is performed subsequent to the act of splitting the existing non-overlapping security zone into the new non-overlapping security zone and the remnant of the existing non-overlapping security zone, and wherein granting the one or more rights includes assigning the other rights to the new non-overlapping security zone collectively granting the other rights to each item in the identified grouping of data items and method items through the assignment of the other rights to the new non-overlapping security zone, the other rights differing from the existing rights (Figures 4-5; Column 7, lines

41-64; Column 8, lines 27-39; and Column 8, line 55 to Column 9, line 25; in the case of adding a user, this new user is provided with rights to the resource and any resources that inherit the ACL of this selected resource, for example).

But does not appear to explicitly disclose labeling each of the items in the identified grouping of data items and method items with a security zone enumeration corresponding to the new non-overlapping security zone to represent that the identified grouping of data items and method items are contained in the new non-overlapping security zone.

Nowicki, however, discloses labeling each of the items in the identified grouping of data items and method items with a security zone enumeration corresponding to the new non-overlapping security zone to represent that the identified grouping of data items and method items are contained in the new non-overlapping security zone (Figures 5 and 7; Column 8, lines 25-54; and Column 9, lines 1-9; changing partition identifiers and/or directory identifiers, for example, to indicate that the item is in a specific/new partition or directory); and

That each non-overlapping security zone can contain both method and data items (Column 3, line 61 to Column 4, line 3; Column 6, line 48 to Column 7, line 10; and Column 12, lines 26-36; showing resources being data and method items, placing a

slower process in a partition/zone dedicated to slower processes, and that each partition may include both data and method items). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the partitioning techniques of Nowicki into the access control system of Glasser in order to allow the system to dynamically arrange and rearrange items stored in a file hierarchy in such a manner that they can be moved to a partition dedicated to the particular type of item and the partitions can be merged in the case that multiple partitions are to have the same policies, and/or to allow for explicit designation within a file handle for each file/item as to which partition and directory the file/item currently resides.

Regarding Claim 34,

Claim 34 is a computer program product claim that corresponds to method claim 24 and is rejected for the same reasons.

Regarding Claim 25,

Glasser as modified by Nowicki discloses the method of claim 24, in addition, Glasser discloses that specifying the one or more additional principals is performed by the one or more main principals (Column 7, lines 41-54; the user is verified as having appropriate permissions for the resource(s)).

Regarding Claim 38,

Claim 38 is a computer program product claim that corresponds to method claim 25 and is rejected for the same reasons.

Regarding Claim 27,

Glasser as modified by Nowicki discloses the method of claim 24, in addition, Glasser discloses the rights being security rights (Column 7, lines 41-64; Column 8, lines 10-39; and Column 8, line 55 to Column 9, line 25).

Regarding Claim 40,

Claim 40 is a computer program product claim that corresponds to method claim 27 and is rejected for the same reasons.

Regarding Claim 28,

Glasser as modified by Nowicki discloses the method of claim 24, in addition, Glasser discloses the rights being auditing rights (Column 7, lines 41-64; Column 8, lines 10-39; and Column 8, line 55 to Column 9, line 25).

Regarding Claim 41,

Claim 41 is a computer program product claim that corresponds to method claim 28 and is rejected for the same reasons.

Regarding Claim 36,

Glasser as modified by Nowicki discloses the method of claim 24, in addition, Glasser discloses that the existing common security rules comprise a second ACL defining the rights a principal has to the items in the remnant of the existing non-overlapping security zone (Column 7, lines 41-64; Column 8, lines 10-39; and Column 8, line 55 to Column 9, line 25).

Regarding Claim 42,

Claim 42 is a computer program product claim that corresponds to method claim 36 and is rejected for the same reasons.

Regarding Claim 37,

Glasser as modified by Nowicki discloses the method of claim 24, in addition, Glasser discloses that the new common security rules comprise a second ACL defining the rights a principal has to the items in the new non-overlapping security zone (Column 7, lines 41-64; Column 8, lines 10-39; and Column 8, line 55 to Column 9, line 25).

Regarding Claim 43,

Claim 43 is a computer program product claim that corresponds to method claim 37 and is rejected for the same reasons.

Regarding Claim 44,

Glasser as modified by Nowicki discloses the method of claim 24, in addition, Glasser discloses that the act of granting other rights in the new non-overlapping security zone to one or more additional principals in accordance with the new common security rules comprises an act of granting a set of rights in the non-overlapping security zone to the one or more additional principals so as to collectively grant the set of rights to the one or more additional principals for each item in the new non-overlapping security zone, the set of rights including one or more rights selected from among read, write, delete, and execute (Column 7, lines 41-64; Column 8, lines 10-39; and Column 8, line 55 to Column 9, line 25).

Regarding Claim 45,

Claim 45 is a computer program product claim that corresponds to method claim 44 and is rejected for the same reasons.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory

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action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEFFREY D. POPHAM whose telephone number is (571)272-7215. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ashok Patel can be reached on (571)272-3972. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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